



Experts Weigh In on New WTE, Recycling Laws in Calif.

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In September, California's Governor Jerry Brown signed three bills into law that aimed at increasing waste into energy conversion and recycling.

Those bills include:

AB 1826, requiring commercial organics recycling—diversion away from landfills for bioenergy, composting or other beneficial uses;

AB 1594, phasing out the recycling credit for yard and other plant waste that is used as Alternative Daily Cover at landfills; and

SB 498, clarifying that the definition of biomass conversion including non-thermal conversion of organic waste to energy.

Although each one of these new laws is in its early stages of adoption, we asked experts to weigh in on their benefits and next steps for local jurisdictions in implementing the legislation.

AB 1826

Lance Klug, public information officer for the California Department of Resources Recycling and Recovery (CalRecycle), under California's [Environmental Protection Agency](#), says that AB 1826 was

created to require businesses to recycle their organic waste on and after April 1, 2016, depending on the amount of waste they generate per week.

"This law also requires that on and after January 1, 2016, local jurisdictions across the state implement an organic waste recycling program to divert organic waste generated by businesses, including multifamily residential dwellings that consist of five or more units," he says.

Although local jurisdictions have the final say on things like infrastructure and facility siting, they must conduct outreach and education to businesses, monitor whether businesses are recycling, and implement a program to ensure the availability of organics management options for businesses.

"This law lowers the generation threshold for mandatory recycling of commercial organics over time, while also offering an exemption process for rural counties," Klug says.

Local jurisdictions also are required to report their progress in creating organic recycling programs to CalRecycle, beginning with their annual reports due August 1, 2017.

"These annual reports are what jurisdictions must file on an annual basis showing their compliance with the Integrated [Waste Management Act](#)," says Klug. "The department will review each jurisdiction's implementation of the mandatory organics recycling program on a periodic basis, as required by statute, to determine compliance."

Mandatory recycling of organic waste is the next step toward achieving California's recycling and greenhouse gas (GHG) emission goals, says Klug.

"Requiring organic waste programs at the jurisdictional level will also help in terms of infrastructure development, further aiding California in meeting its statewide goal of 75 percent recycling, composting and source reduction of waste by 2020," he says.

AB 1594

AB 1594 is a recycling bill that removes landfill diversion credit for the use of green waste as alternative daily cover (ADC) at landfills in 2020, but is still permissive by allowing green waste to be placed in a landfill after 2020. In a statement released by Assemblymember Das Williams (D-Carpinteria), creator of the bill, AB 1594 is estimated to create 14,000 new jobs in the state by 2020 by recovering organic material through composting and anaerobic digestion.

"Taking away recycling credits should be enough to divert green waste, regardless of the state fee issue," says Bill Camarillo, chief executive officer for Oxnard, Calif.-based Agromin and executive committee member for the California Compost Coalition (CCC), a registered lobbying coalition created in 2002 by a group of compost operators in response to demands for increased recycling of organic materials and production of clean compost.

"Thirty percent of the waste stream is green and wood waste, if diversion credits are no longer allowed for green waste ADC then most jurisdictions will not meet their mandated AB 939 50 percent diversion from landfills requirement," says Camarillo. "Therefore, require them to seek alternative methods of diverting green and wood waste such as composting. The biggest benefit will be greenhouse gas emission reductions by not putting more organic materials in the landfills and generating methane gas."

Klug says that by no longer considering the use of green waste as ADC as recycling or diversion, the expectation is that much of the green waste currently used for daily cover at landfills will instead be used for more beneficial reuse, such as composting and generation of clean alternative energy.

In signing the bill, Gov. Brown stated in a letter that he was concerned about "creating a fee-exempt form of disposal will undermine the fee reform efforts that the Department of Resources and Recycling is undertaking." Camarillo says he thinks fee exemption would undermine efforts to move organics to composting and other technologies for reuse.

"Money changes behavior, we must de incentivize the use of landfills for organics," he says.

AB 498

Of the 50 percent diversion required in the Integrated Waste Management Act, 10 percent can come from what is known as transformation or biomass conversion. While, the IWM Act previously defined

biomass conversion as “controlled combustion used for the production of heat or electricity”, AB 498 broadened the definition to include “non-combustion thermal technologies”, according to Klug.

“Biomass facilities will also need to report the types and amounts of biomass materials received, as well as the final disposition of ash and by-products to CalRecycle starting in 2016,” he says. “Much of the material currently going to biomass had not been going to landfills so there will not be much of an effect.”

These new laws overall will be beneficial in lessening California’s “reliance on landfilling, reducing harmful methane emissions that contribute to climate change, more job creation through locally-sited recovery, processing and remanufacturing, resource conservation and more,” says Klug.

In a previous statement, the Bioenergy Association of California’s Executive Director Julia Levin said that these three new laws will provide a boost to bioenergy in the state.

“They will increase organic feedstock for bioenergy and promote a range of technologies to convert that feedstock into energy. Doing so will reduce greenhouse gas emissions, provide jobs and cut pollution from fossil fuels,” she said.